

## **REMARKS / DISCUSSION OF ISSUES**

Claims 1-7 and 10-18 are pending in the application. Claims 10-18 are new and claims 8-9 are cancelled. As the number of independent claims (3) does not exceed that previously paid, additional claim fees are not believed to be due.

### **Objection to the Drawings**

The objections to the drawings have been considered. New Fig. 7 includes steps of a method according to a representative embodiment; and new Fig. 8 is a perspective view of an electric razor according to an embodiment. Therefore, Applicants respectfully submit that all features of the claims are shown in the drawings, rendering this objection moot.

With regard to the objections to the photographs of Figs. 1 and 3, Applicants will address this to the assignee for submission of more acceptable drawings.

### **Amendments to the Specification**

The amendments to the specification provide a brief explanation of the new sheets of drawings for Figs. 7 and 8. Entry of this amendment is respectfully requested. The amendments add no new matter.

### **Double Patenting Rejection**

Applicants have considered the double patenting rejection. After all other rejections and objections are withdrawn, and if necessary and proper, Applicants will provide a terminal disclaimer in the present application.

### **Rejections Under 35 U.S.C. § 103**

1. Claims 1, 4-7 and 9 are rejected under 35 U.S.C. § 103(a) as being obvious in view of *Domoto, et al.* (6,354,008), *Oiwa* (JP 60162766) and *Rosenhan* (U.S. Patent 5,953,969). For at least the reasons set forth below, Applicants respectfully submit that the rejection is improper and should be **withdrawn**.

The Office Action relies on a translated constitution, or partial translation of *Oiwa*. The Notice of References Cited includes a listing of this document, and not its abstract or constitution. Thus, it appears that the Office Action relies on the underlying documents and not their abstracts.

Applicants respectfully submit that full and complete examination requires a complete translation of each reference. Applicants rely on MPEP § 706.02, which states, *inter alia*:

“Citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate where both the abstract and the underlying document are prior art. See *Ex parte Jones*, 62 USPQ2d 1206, 1208 (Bd. Pat. App. & Inter. 2001) (unpublished). To determine whether both the abstract and the underlying document are prior art, a copy of the underlying document must be obtained and analyzed. **If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection.** The record must also be clear as to whether the examiner is relying upon the abstract or the full text document to support a rejection.” (Emphasis Provided).

Applicants respectfully submit that reliance on a partial translation or constitution of an underlying document is no more proper than reliance on an Abstract (in English). Accordingly, Applicants respectfully request a complete translation of the foreign references if these are to be relied upon in a subsequent Office Action.

Because the Office Action does not fulfill the requirements under Section 706 of the MPEP, Applicants submit that the rejection is improper.

The above notwithstanding, Applicants respectfully submit that the Office Action fails to articulate a rejection for at least the reasons set forth presently. Claim 10 is drawn to an electric shaver and features:

*“...a stainless steel cutting element having a plasma nitride hardened layer on all surfaces of a blade, wherein the hardened layer includes a surface top layer of steel supersaturated with nitrogen...”*

Claim 1 includes a similar feature.

The Office Action notes that the reference to *Domoto, et al.* fails to disclose the steel supersaturated. However, the Office Action does not cite where this element is to be found in the other applied references. Therefore, Applicants respectfully submit because the Office Action fails to articulate a rejection including the recitation in the applied art of each and every feature of claims 1 and 10, a proper *prima facie* case of obviousness has not been established.

For at least the reasons set forth above, Applicants respectfully submit claims 1 and 10 are patentable over the applied art. Moreover, claims 2-7 and 11-16 are patentable for at least the same reasons.

2. Claim 8 was rejected under are rejected under 35 U.S.C. § 103(a) as being obvious in view of *Domoto, et al.* (6,354,008), *Oiwa* (JP 60162766) and *Cole* (U.S. Patent 4,259,426). For at least the reasons set forth below, Applicants respectfully submit that the rejection is improper and should be withdrawn.

Claim 8 is cancelled. To the extent that the rejection is applied to claim 17, Applicants respectfully submit that, as provided, a proper rejection under this section of the Code cannot be made. Like the rejection of claim 1, the present rejection relies on a partial translation of a foreign reference. As noted previously, this is improper.

#### **Various Matters**

The Office Action makes assertions that certain features of the claims are inherent in the design of the reference to *Domoto, et al.* However, no basis for this assertion is provided in the form of extrinsic evidence as is required. Applicants respectfully request that suitable intrinsic evidence in support of inherency be provided so that a proper reply may be made. If the assertions of inherency are being made based on the personal knowledge of the Examiner, an affidavit under 37 C.F.R. § 1.104(d) (2) be provided. If neither the extrinsic evidence nor the affidavit is provided, Applicants respectfully request that the assertion of inherency be withdrawn.

In more than one instance, the Office Action turns to the popular website “Wikipedia” for support. While Applicants have not specifically investigated the source of information for the portions of this website relied upon in the Office Action, Applicants nonetheless object to its use in present form. First of all, the undersigned is of the understanding that anyone may post information on a particular topic on this site. Therefore, unlike scholarly journals or patent documents, the voracity of the information on Wikipedia may not be credible. Thus, Applicants submit that reliance on an underlying reference that may result from a Wikipedia search may be proper, but the reliance on the site information itself is not. Moreover, Applicants have not been provided the date that the Wikipedia information came into the purview of the general public. Thus, the information may not qualify as a reference under the applicable sections of the Code.

### **Conclusion**

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:

Phillips Electronics North America Corp.

A handwritten signature in black ink, appearing to read 'William S. Francos', is written over a horizontal line.

by: William S. Francos (Reg. No. 38,456)

Date: May 4, 2007

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Attachments: Two (2) New Drawing Sheets